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# Letter dated 5 December 2005 from the President of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 addressed to the President of the Security Council

On 26 March 2004, the Security Council adopted resolution 1534 (2004). In its resolution, the Security Council requested each Tribunal to provide to the Council by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the completion strategy of the respective Tribunals, explaining what measures have been taken to implement this completion strategy, and what measures remain to be taken.

After consulting with the Prosecutor and in conformity with the resolution, I am pleased to submit to you a revised version of the completion strategy for the International Criminal Tribunal for Rwanda, containing the assessment requested (see enclosure).

(*Signed*) Erik **Mose**
President

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**Enclosure**

## Completion strategy of the International Criminal Tribunal for Rwanda

### Summary

This document outlines the Completion Strategy of the International Criminal Tribunal for Rwanda (ICTR), based on the information available as of 30 November 2005. It takes into account the deadlines set in Security Council resolutions 1503 (2003) and 1534 (2004).

Trials of twenty-six persons are completed. Cases involving twenty-six accused are in progress. Consequently, the number of persons whose trials have been completed or are in progress is fifty-two. Seventeen detainees comprising fourteen accused indicted before 2005 and three recently indicted accused are awaiting trial. The Prosecutor intends to transfer five of the fourteen detainees to national jurisdictions. The trials of the remaining nine detainees will start from 2006 onwards, depending on Trial Chamber and court room availability.

The Prosecutor will focus on the accused bearing the greatest responsibility for the crimes committed in 1994. Nineteen indicted persons are still at large, fourteen of whom were indicted before 2005. The Prosecutor intends to transfer four of these fourteen persons to national jurisdictions for trial. The Prosecutor has recently completed investigation against sixteen suspects. The files involving eight of these suspects have been closed because of insufficient evidence, and eight indictments against the remaining eight persons have recently been confirmed. Of these eight indicted persons (three of whom have been recently arrested), the Prosecutor has earmarked the cases of four of these persons for transfer to national jurisdictions. However, the number of persons brought to trial at the ICTR from this group of persons at large may be less than fourteen (ten accused indicted before 2005 and four newly indicted accused), as some of these persons may be dead, and others may never be arrested.

It is estimated that the cases involving the twenty-six accused whose trials are currently in progress will be completed from 2006 onwards. Trials of the maximum of fourteen persons at large will commence in 2007 and 2008. On the basis of the information presently available, it is estimated that by 2008, the Tribunal would have completed trials involving sixty-five to seventy persons.

## I. Introduction

1. The present document contains an up-dated and revised version of the ICTR Completion Strategy as of 30 November 2005. It takes into account Security Council resolutions 1503 (2003) and 1534 (2004), adopted on 28 August 2003 and 26 March 2004, respectively. The document has been progressively elaborated based on contributions from the President, the Prosecutor, and the Registrar. The basis for the consultations between these three organs was originally a document entitled "Completion Strategy of the Office of the Prosecutor", which contained developments as of 29 April 2003.[1] The present document, which is the sixth report on the Completion Strategy, is based on revised information provided by the Prosecutor and developments in 2005.[2] Revised and updated reports on the ICTR Completion Strategy will be submitted in conformity with Resolution 1534 (2004).

2. It is recalled that the first accused was transferred to Arusha in May 1996. Since the first trial started in January 1997, the ICTR has handed down nineteen judgements involving twenty-five accused. Of these, twenty-two were convicted and three acquitted. Six of these convicts are presently serving their sentences in Mali. The total output of the second mandate (1999-2003) amounts to nine judgements involving fourteen accused. This represents a doubling of the number of accused that were tried, when compared to the first mandate (1995-1999). So far in the third mandate (2003-2007), the Tribunal has commenced thirteen trials involving twenty-one accused and delivered four judgements involving four of these accused. A further judgment involving a single accused will be delivered on 13 December 2005. This will bring the total number of judgements to twenty in respect of twenty-six persons, which is reflected in Annex I.

3. In addition to the twenty-six persons whose trials have been completed, twenty-six accused are involved in ten trials. Five of these trials are multi-accused cases and very voluminous: the Butare case (six accused), the Military I case (four accused), the Government case (four accused), the Military II case (four accused) and the Karemera *et al.* case (three accused). Five cases are single-accused trials. The Seromba trial commenced on 20 September 2004. The Muvenyi trial started on 28 February 2005. Rwamakuba has recently been severed from the Karemera *et al.* case and his trial

[1] A first version of the ICTR Completion Strategy was submitted to United Nations Headquarters on 14 July 2003. That document was prepared notably within the context of General Assembly resolution 57/289 (2003) para. 15 (a), which provided that the proposed budget of the ICTR for 2004-2005 should include "detailed information as to how the resources requested for the biennium would support the development of a sound and realistic completion strategy". A second version of the ICTR Completion Strategy was submitted to United Nations Headquarters on 29 September 2003. This document formed the basis of the request to increase the number of *ad litem* judges sitting "at any one time" from four to nine. By resolution 1512 (2003), the Security Council granted the request. The third version of the document was submitted to the President of the Security Council on 30 April 2004 and formed the basis of the assessments provided by the ICTR President and Prosecutor during the Council's meeting on 29 June 2004. On 19 November 2004, the ICTR submitted the fourth version of its Completion Strategy, which was considered by the Security Council on 23 November 2004. A fifth version of the Completion Strategy was submitted on 23 May 2005.

[2] Following his first address to the Security Council in October 2003, the new ICTR Prosecutor, Mr Hassan B. Jallow, reviewed all the cases that were not currently on trial, with a view to determining which cases could reasonably be completed within the time frame set by the Security Council in Resolution 1503. The document dated 28 February 2004, entitled "Completion Strategy of the Office of the Prosecutor", was the result of this review.

commenced on 9 June 2005. The Mpambara trial commenced on 19 September 2005 and the Zigiranyirazo trial commenced on 3 October 2005. Further details are given below (see II). Consequently, the total number of accused whose trials have been completed or are in progress is fifty-two.

4. Of the seventeen detainees awaiting the commencement of their trials, fourteen had been indicted before 2005 and the remaining three have recently been indicted and arrested. From this group of fourteen detainees, the Prosecutor intends to request the transfer of five persons to national jurisdictions for trial. The remaining twelve detainees will have their cases heard when the Tribunal's capacity so allows (see III and para. 33).

5. There are nineteen indicted persons at large, fourteen of whom were indicted prior to 2005. From this group of fourteen accused, the Prosecutor intends to transfer the cases of four persons to national jurisdictions for trial (see para. 34). The cases of the five newly indicted persons at large and the three recently arrested detainees make up the group of eight cases in which indictments have been confirmed since the Completion Strategy of May 2005. The Prosecutor has identified four of these eight cases for transfer to national jurisdictions for trial (see para. 36).

6. Some of the accused at large mentioned above may be dead, whereas others may never be arrested. Consequently, the actual number of persons brought to trial at the ICTR may therefore be less than fourteen. As part of the Completion Strategy, the Prosecutor has formulated a more aggressive programme for tracking and apprehension of fugitives. The Tracking Team Section within the Investigation Division has been re-organised and strengthened. The Prosecutor has also visited a number of Member States of the United Nations with a view to securing their political support and cooperation for the arrest and transfer of fugitives.

7. The Prosecutor considers that approximately forty suspects could be tried in national jurisdictions. He is currently engaged in discussions with some States for this purpose and has already transferred thirty case files to Rwanda and one case file to Belgium. In the event that it is not possible to transfer some of these cases to national jurisdictions, the Prosecutor will return to the Security Council with alternative proposals (see VI).

8. Security Council resolution 1503 (2003) provides that all work of the ICTR and the International Criminal Tribunal for the Former Yugoslavia (ICTY) shall be completed by 2010. It is difficult at this stage to indicate a completion strategy for the ICTR Appeals Chamber, as it is linked to the ICTY completion strategy. It is recalled, however, that all ICTR judgements except two have been appealed. At present, five judgments involving nine persons are on appeal and one judgement involving a single person is on review (Niyitegeka, the Media case, the Cyangugu case, Gacumbitsi, Ndindabahizi and Muhimana). It is anticipated that the Appeals Chamber's already heavy workload will, in all likelihood, continue to increase. It has been observed from past experiences, that appeals are normally lodged by both (in multi-accused cases all) parties. Therefore, the real number of appeals is much higher than the number of judgements on appeal. As the work load of the Trial Chambers decrease, the focus will shift to the Appeal Chamber where a drastic increase in work is anticipated. This increase is further compounded by the fact that the Appeals Chambers considers ICTY appeals as

well. There will, at some stage, be a need to increase the number of judges at the Appeals Chamber if there are to be any reasonable prospects of completing the appeals by 2010. This will require an amendment of the Statute.

## II. Activities in Chambers

9. On 3 December 2003, *Trial Chamber I* finalized the judgement in the so-called "Media Case", which was heard during the second mandate. It has also been hearing the continuation of the Military I case (Bagosora, Kabiligi, Ntabakuze and Nsengiyumva), transferred from the previous Trial Chamber III. The Prosecution closed its case in September 2004 after having called eighty-two witnesses and the Defence case started in April 2005. The Military I trial has been twin-tracked with the Ndindabahizi trial (from 1 September 2003), in which judgement was delivered on 15 July 2004, and the Simba trial (from 30 August 2004), in which judgement will be delivered on 13 December 2005.[3] On 19 September 2005, Trial Chamber I commenced the Mpambara trial.

10. *Trial Chamber II* was engaged in three trials concurrently during the second mandate. Judgement in the Kajelijeli trial was rendered on 1 December 2003. The Kamuhanda trial concluded with judgement on 22 January 2004. Particularly voluminous is the Butare trial. It involves six accused, which is the largest number or accused tried jointly before the ICTR (Nyiramasuhuko, Ntahobali, Nsabimana, Nteziryayo, Kanyabashi and Ndayambaje).[4] In the third mandate, Trial Chamber II has given priority to the completion of the Butare trial, and the Prosecution closed its case after having called fifty-nine witnesses. The Defence commenced its case on 31 January 2005. On 5 November 2003, the Trial Chamber commenced trial in the Government case, involving four government ministers (Casimir Bizimungu, Justin Mugenzi, Jerome Bicamumpaka and Prosper Mugiraneza). The Defence case started on 1 November 2005. On 20 September 2004, a different Trial Chamber Section commenced the Military II trial, in which the Prosecution is presenting its case.

11. *Trial Chamber III* heard three trials contemporaneously during the second mandate. Judgement was given in the Semanza case (one accused) on 16 May 2003. The Cyangugu trial with three accused (Ntagerura, Bagambiki and Imanishimwe) concluded with judgement on 25 February 2004. On 2 April 2002, the Chamber also started the Military I trial and heard evidence over thirty-two trial days. Following the reconstitution of the Chambers in early June 2003, this case was transferred to Trial Chamber I (para. 9). In the third mandate, Trial Chamber III has heard the Gacumbitsi trial (from July 2003), where judgement was delivered on 17 June 2004, and the

[3] "Twin-tracking" implies that two trials are heard in consecutive slots, for instance according to the following pattern: Trial A five weeks, trial B five weeks, trial A five weeks, etc. Defence counsel in trial A will leave Arusha while trial B is heard. The purpose of this system is to use inevitable breaks during one trial to ensure progress of another case. Such breaks allow the Prosecution and the Defence to prepare for the next stage of the proceedings (for instance by interviewing witnesses etc.).

[4] One of the judges in this Chamber was not re-elected for the third mandate (2003-2007). In resolution 1482 (2003), the Security Council did not extend his mandate for the purpose of enabling him to continue sitting on the Butare case. On 15 July 2003, the Chamber decided that the trial should continue with a substitute judge under Rule 15 *bis* of the Rules of Procedure and Evidence ("the Rules"). Appeals against this decision were dismissed by the Appeals Chamber on 24 September 2003.

Muhimana trial (from March 2004), where judgement was delivered on 28 April 2005. The Karemera *et al.* case commenced on 27 November 2003. Following the Appeals Chamber's decision of 28 September 2004 and its reasons of 22 October 2004, the trial had to commence *de novo*. Rwamakuba has since been severed from this case. His trial commenced on 9 June 2005, and the Defence is presenting its evidence. The Karemera *et al.* trial commenced on 19 September 2005 before a different Trial Chamber Section in Trial Chamber III and the Prosecution is presenting its case. On 3 October 2005, the Prosecution case started in the Zigiranyirazo trial.

12. The six single-accused cases that have started in the third mandate led to two judgements in 2004 (Gacumbitsi, Ndindabahizi) and three judgements in 2005 (Rutiganira, who pleaded guilty; Muhimana; and Simba to be delivered on 13 December 2005). The presentation of the Defence cases in the Butare and Military I trials, involving ten accused, is expected to be completed in 2006. The situation is the same for the Government case. The Karemera *et al.* case and the Military II case are also complex trials. It is estimated that these two multi-accused trials will be completed in 2006/7. An overview of on-going trials is presented in Annex 2.

## III. Remaining Detainees

13. Seventeen detainees are awaiting the commencement of their trials. These cases will result in single-accused trials, some of which will commence in 2006, depending on Trial Chamber capacity. These detainees are identified in Annex 3.

14. All of the remaining indicted persons may not be tried by the ICTR. In determining which individuals should be tried before the ICTR, the Prosecutor will be guided by the need to focus on those who are alleged to have been in positions of leadership and those, who according to the Prosecutor, bear the greatest responsibility for the genocide. This concentration on the most senior leaders suspected of being most responsible for crimes committed within the jurisdiction of the ICTR is in conformity with Security Council resolution 1534 (2004). The criteria to be taken into consideration when making this determination are as follows:

- the alleged status and extent of participation of the individual during the genocide;
- the alleged connection an individual may have with other cases;
- the need to cover the major geographical areas of Rwanda in which the crimes were allegedly committed;
- the availability of evidence with regard to the individual concerned;
- the concrete possibility of arresting the individual concerned;
- the availability of investigative material for transmission to a State for national prosecution.

15. On the basis of these criteria, the Prosecutor intends to transfer the cases of five of the present detainees to national jurisdictions for trial.[5] It will be for the Trial Chambers to decide on the requests for transfer.

## IV. Workload Relating to the Detainees

16. The analysis provided above (II-III) indicates that, in addition to the judgements involving twenty-six persons, the ICTR will deliver judgements in at least twenty-two cases in respect of thirty-eight persons from 2006 onwards (twenty-six accused currently on trial and twelve detainees).[6] Consequently, there is a need to estimate the time required to complete the trials of these persons.

17. Estimating the required number of trial days for the completion of these trials has its difficulties. However, for the purposes of continuity and the assessment of progress, the methodology used in the previous versions of the Completion Strategy, will be maintained. Calculations and projections made in these documents were premised on a sixty-two trial day average per accused.

18. It is recalled, firstly, that the estimates in previous Completion Strategy submissions were based on the number of witnesses and hours needed to present the Prosecution case, cross-examination and the Defence case. Since then, there has been considerable progress in many trials. For ease of reference, the table that formed the basis for the estimate of sixty-two trial days per accused is annexed to this document (Annex 4).

19. It is also recalled that the length of Defence cross-examination depends on factors relating to each individual case. Experience shows that in cases involving one accused, the cross-examination of Prosecution witnesses will generally take about the same amount of time as the examination-in-chief. In some instances, it may even be shorter. In multi-accused trials, the time taken for cross-examination often exceeds the time taken in examination-in-chief, particularly if the witness gives evidence implicating more than one or all the accused. It is assumed, as a working tool, that the total time taken for the cross-examination of a Prosecution witness will normally not exceed the total time taken for the examination-in-chief of that witness, when all cases are considered as a whole. In this context, it is taken into account that the Prosecution's list of witnesses has usually been reduced during trial.

20. Finally, it is recalled that information about Defence cases is difficult to obtain, particularly since most of these cases have not yet started and there is the issue of confidentiality when it comes to the trial strategy of the Defence. As a working tool, it is assumed that the time needed for the presentation of the Defence case should not exceed the time required for the presentation of the Prosecution case. Experience shows that it may often take less time.

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[5] As discussions with States are on-going, it is not possible to identify the five cases involving detainees that may be transferred to national jurisdictions.

[6] The twenty-two cases involving thirty-eight accused are Butare (6), Military I (4), Government (4), Military II (4), Karemera *et al.* (3), Rwamakuba (1), Seromba (1), Muvunyi (1), Mpa. ibara (1), Zigiranyorazo (1) and nine single-accused trials of detainees and three newly indicted detainees.

21. As mentioned above, the Prosecution usually reduces the number of witnesses as the trial unfolds. Furthermore, the Chambers exert considerable control over these variables within the ambit of fair trial principles, for instance by restricting the length of examination-in-chief and cross-examination. Therefore, it is highly probable that the real time spent in court may be less than sixty-two trial days per accused. Recent single-accused trials suggest that the Prosecution will usually require about twenty trial days to present its case. It is also worth noting that such cases completed recently reflect a substantially lower number of the total number of trial days per accused (Elizaphan and Gérard Ntakirutimana: thirty trial days per accused; Niyitegeka: thirty-five trial days; Gacumbitsi: thirty-two trial days; Ndindabahizi: twenty-seven trial days; Muhimana: thirty-four trial days). It is expected that this trend towards shorter trials will continue. However, at present, it is considered prudent to use as a working tool the estimation of sixty-two trial days per accused. This includes variables such as time needed for opening and closing arguments, extended cross-examination in multi-accused trials, hearing of and deliberation on motions, and illness.

*Trials in Progress*

22. The on-going trials are at different stages of completion. In the Butare trial, the Prosecution has closed its case after 212 days of trial. The Defence case commenced on 31 January 2005 and has proceeded over 111 trial days. Based on the premise that the Defence case will take as much time as the Prosecution case, a further 101 trial days will required for the Defence case.

23. In the Military I trial, the Prosecution closed its case after 202 trial days. The Defence case commenced on 11 April 2005 and has proceeded over eighty-five days of trial. A further 117 days will be required for the presentation of the Defence case, based on the premise that the Defence case will take as long as the Prosecution case. However, experience in previous multi-accused trials shows that the presentation of the Defence case usually requires less time compared to the Prosecution case, due to less intensive cross-examination.

24. In the Government case, involving four accused, the Prosecution has closed its case after 178 trial days. The presentation of the Defence case has commenced and proceeded over eleven trial days. Based on the estimation that the Defence case is expected to take as much time as the Prosecution case, the four Defence teams will require 167 trial days for the presentation of their respective cases.

25. The Military II case of four accused will require 248 trial days, based on the estimation of sixty-two trial days per accused. This trial commenced on 20 September 2004 and has since been conducted over 119 trial days. A further 129 trial days will be required for the completion of this trial.

26. In the Seromba trial involving a single accused, the Prosecution has closed its case after twenty-five trial days. The Defence has commenced the presentation of its case which has since proceeded over nineteen trial days. Based on the average of sixty-two trial days per accused, a further eighteen trial days will be required for the completion of trial.

27. The single-accused Muvunyi trial commenced on 28 February 2005 and has since proceeded over forty-five trial days. The Prosecution have completed the presentation of its case and the Defence

are currently presenting its case. Based on the average of sixty-two trial days for a single- accused trial, this trial will require a further seventeen trial days.

28. The Rwamakuba trial involving a single accused, commenced on 9 June 2005. The Prosecution has completed the presentation of its case over thirty-nine trial days. The presentation of the Defence case has commenced and has since proceeded over fifteen trial days. Based on the projection that the Defence case will require the same amount of time as the Prosecution case, the Defence will require a further twenty-four trial days for the presentation of its case.

29. The Karemera *et al*. trial of three accused, commenced *de novo* on 19 September 2005 after eight days of pre-trial hearings and status conferences. The trial has since proceeded over twenty-five trial days. Based on the estimation of sixty-two trial days per accused, a further 161 trial days will be required for the completion of trial.

30. The Mpambara trial involving a single accused commenced on 19 September 2005 and has since proceeded over nine trial days. Based on the estimation of sixty-two trial days for a single accused trial, a further fifty-three trial days will be required for the completion of trial. Early indications are that the trial will be completed in a shorter time.

31. The Zigiranyirazo trial of a single accused commenced on 3 October 2005 and has since proceeded over twelve trial days. Based on the estimation of sixty-two trial days for a single accused trial, a further fifty trial days will be required for the completion of trial.

32. The cumulative time required for the completion of trials that are presently in progress is 837 trial days. Again, these are only estimates. Some trials may require longer time, others less. Additional time will be required for judgement writing.

*Detainees Awaiting Trial*

33. The seventeen detainees awaiting the commencement of their trials comprise fourteen accused who had been indicted before 2005 and three persons who have been indicted in 2005. From the group of fourteen detainees, the Prosecutor intends to request the transfer of five persons to national jurisdictions for trial (paras. 13-15). Trials of the remaining nine persons from this group will require 558 trial days, based on the average of sixty-two trial days per accused. The three newly indicted detainees are addressed below (para. 38).

## V. Workload Relating to Persons at Large and the Eight New Indictments

34. The Completion Strategy of April 2004 indicated that seventeen indicted persons were at large. Following the arrest and transfer of three of these accused, the number had been reduced to fourteen. This number subsequently increased to nineteen, with the recent confirmation of indictments. From the original group of fourteen persons at large, the Prosecutor intends to transfer four persons to national jurisdictions for trial. The five newly indicted persons at large are addressed below (para. 40).

35. The Completion Strategy of September 2003 indicated that twenty-six suspects were at large. As the Prosecutor's strategy is to prosecute before the ICTR those persons bearing the greatest responsibility for the crimes committed in Rwanda in 1994, the number of suspects under investigation was reduced to sixteen in the Completion Strategy submission of April 2004.[7] Following the completion of investigations in respect of the genocide, the files involving eight of these persons have been closed due to lack of evidence. Eight indictments against the remaining eight suspects have recently been confirmed. Five of these persons remain at large and are included in the nineteen fugitives mentioned above (para. 34). The Prosecutor has also taken account of the mandate of the ICTR, as emphasized by Resolution 1503, to investigate reports of violations by the Rwanda Patriotic Front (RPF).

36. Once an individual is indicted, substantial investigations must be continued in order to support the trial team. Additional investigations may be needed to replace the evidence of witnesses who may have died, to assist in the interviewing of witnesses prior to their travel to Arusha, to supplement and corroborate the evidence, and to address the Defence case and any possible rebuttal.

37. All investigations in respect of the genocide have now been completed, as requested by Resolution 1503 (2003). Moreover, when the eight indictments were submitted for confirmation, the Prosecutor ensured that these cases were ready for trial, in the sense that all approved identified investigations are completed, a draft pre-trial brief is prepared, together with draft exhibits and witness lists, and that disclosure searches (as of that date) are completed. This will ensure that (i) there will be no delay in trial preparations when the accused is surrendered to the Tribunal; (ii) the case can be more readily assigned to a new Prosecution team if necessary; or (iii) referred to a national jurisdiction pursuant to Rule 11 *bis* of the Rules.

38. Of the eight indictments recently confirmed, three accused have been arrested and five accused remain at large (paras. 33-34). The Prosecutor has earmarked four of these cases involving four accused for transfer to national jurisdictions for trial. The remaining four cases of four accused together with the cases of the ten accused who remain at large will mean that the Tribunal will need to hold trials for fourteen accused. Based on the average of sixty-two trial days per accused (paras. 17-21), it is estimated that these trials could take 868 trial days. Again, it is stressed that the number of persons brought to trial may be less than fourteen, and that the number of trial days per accused in single-accused trials may be reduced.

39. The Office of the Prosecutor's investigations section continues to provide support in respect of ongoing trials and appeals. There will now be a shift in emphasis from classical investigations to trial and appeals support, with the completion of investigations against the eight suspects.

## VI. Transfer of Cases by the Prosecutor to National Jurisdictions

40. The Completion Strategy of September 2003 indicated that about forty cases were earmarked for transfer to national jurisdictions. According to the April 2004 Completion Strategy, the Prosecutor

[7] In the November 2004 version of the Completion Strategy the number was fifteen. The correct figure is sixteen.

increased the number of these cases from forty to forty-one. He is currently engaged in discussions with some States for this purpose. His intention is to transfer, in some cases, files in respect of which investigations have been completed and are trial ready and, in other cases, dossiers requiring further investigations by the receiving country. The decision to transfer cases to national jurisdictions is a judicial one in cases where indictments exist. The Prosecutor intends to proceed under Rule 11 *bis* in respect of thirteen persons: five detainees (paras. 14-15 and 33); four indictees still at large (para. 34); and four of the newly indicted persons. In addition, the Prosecutor envisages the transfer of files involving thirty-two individuals to national jurisdictions for trial. This process has commenced. Case files in respect of thirty suspects have already been transferred to Rwanda and in respect of one suspect to Belgium.

41. In preliminary discussions with national authorities, the Office of the Prosecutor has ascertained that the laws of the State in which some suspects are present may not confer jurisdiction over these suspects or the crimes they allegedly committed. Others have investigated the cases and not pursued them, and may be reluctant to re-open these cases. Many of the suspects are in less-developed countries where judicial systems are under strain arising from the prosecution of their own accused. The Prosecutor believes that it is important to explore the possibility of transferring cases to African countries where certain suspects are now living, despite the above constraints.

42. Transfer of cases to Rwanda raises several issues. One involves the death penalty, which has been imposed in genocide cases, though only rarely implemented. There is also the issue of the capacity of the Rwandan judicial system to handle such cases at a time when it faces difficulties in coping with thousands of local cases connected with the genocide. Since many of the cases earmarked for transfer are destined for Rwanda, the issue of resources may therefore affect the proposed transfer of cases to Rwanda.

43. The Prosecutor will initiate discussions with States regarding transfer of cases and transmissions of files. He will insist on compliance with international standards of fair trial on the files transmitted. In the event that it is not possible to transfer or transmit these cases to national jurisdictions, he will make alternate proposals to the Security Council and highlight the related budgetary implications.

## VII. Total Remaining Workload

44. The estimated number of trial days required for the completion of all trial work is 2,263 trial days. This is a cumulative assessment made on the basis that 837 trial days will be required for the completion of trials in respect of the twenty-six persons presently on trial (para. 32); 558 trial days will be necessary to complete trials in respect of the nine detainees awaiting trial (para. 33); and 868 trial days will required for the completion of trials in respect of the maximum of fourteen persons comprising the accused who remain at large and four of the recently indicted eight accused (para. 38).

45. In 2003, the Trial Chambers sat a total of 498 trial days. In 2002, the three Trial Chambers sat a total of 414 trial days. In 2001, the Chambers sat a total of 340 trial days. Examination of the Chambers' actual sitting times shows that the amount of time that a Chamber was able to devote to

trials over this three year period was 135 trial days in 2001, 150 trial days in 2002 and 166 trial days in 2003. In previous Completion Strategy submissions, projections were premised on an average of 150 trial days per year, per Trial Chamber Section. For reasons mentioned above (para. 17), estimates in this document will be based on this average.

46. Factors which contributed to a reduction in the number of trial days included the difficulty to obtain the appearance of witnesses from Rwanda and illness on the part of judges and counsel. The ICTR has taken several steps to ensure that such factors are minimized in the future. In particular, the Rules have been amended to allow for a Trial Chamber to continue the trial in the eventuality of a judge being ill, absent or permanently unavailable (Rule 15 *bis*).[8] The insistence by the Trial Chambers on having two Defence counsel and, in the event of illness or absence of one counsel, requiring the remaining counsel to continue, will reduce the occurrence of interruptions of trials. At present, witnesses from Rwanda are appearing before the ICTR. It is important that this situation continues.

47. Experience shows that it is difficult to ensure that witnesses are always available, even with the use of additional witnesses present in Arusha in case of unavailability. A frequent situation in practice is that Prosecution or Defence counsel requires additional time to prepare witnesses for examination-in-chief. The Chambers also have to allow Prosecution and Defence additional time for the preparation of cross-examination in situations where unexpected evidence emerges or evidence is tendered without proper notice. Sufficient time is needed for pre-trial hearings, deliberation on motions and judgement writing. These circumstances combined with illness and other forms of unavailability of witnesses, not only reduce the number of trial days but also the number of sitting hours per trial day. Nevertheless, the Chambers will continue their efforts to increase the time spent in the court room.

## VIII. Past and Present Strategies

48. **Pre-trial Stage**: At the commencement of the second mandate, in June 1999, there were a considerable number of pending pre-trial motions. The Prosecutor at that time requested the joinder of a large number of accused in one case, at one point asking for the confirmation of a joint indictment for over twenty suspects. The Confirming Judge denied the request. The Prosecutor then asked for joinder of smaller numbers of accused, who allegedly participated in the same criminal transaction, such as the use of public media, the actions of military officials, government officials, or alleged crimes in certain geographical areas of Rwanda (Butare, Cyangugu). This led to a considerable number of motions from the Prosecution requesting amendments of indictments and the joinder of accused. In addition, a large number of motions were filed by the Defence.

49. Consequently, the first priority for the Chambers in 1999 was to reduce the number of motions in order to move cases to the trial stage. To facilitate this, the judges amended the Rules in order to allow for motions to be considered solely on written pleadings and also by a single judge. These measures taken to reduce the workload of outstanding motions increased the efficiency of the

[8] In 2003, there was a disruption to trial proceedings because some of the judges were not re-elected.

Chambers and reduced costs in connection with oral hearings of motions. After having reduced the number of pending motions to a minimum, full translation and disclosure of documents was ordered before all three Trial Chambers could commence with trial.

50. Additionally, changes to the Rules were adopted by the judges in the Plenary to regulate the pre-trial process and to restrict the number of interlocutory appeals that were delaying the commencement of trials. Through pre-trial and pre-defence status conferences, a Trial Chamber has the authority to streamline trial proceedings. In particular, the parties may be ordered to file briefs addressing the factual and legal issues, identifying contested matters, and provide a list of witnesses intended to be called, along with a summary of the facts and the specific allegations in the indictment on which the witnesses will testify. Moreover, the parties must give an estimate of the time that will be taken by each witness to give their evidence, and the Trial Chamber may order a reduction in the number of witnesses and the time for witnesses to give evidence-in-chief. The Trial Chamber may also order information on the status of exhibits (Rules 73 *bis* and *ter*).

51. A useful step was the establishment of the Trial Committee in 2003, which is composed of representatives of Chambers, the Registry and the Prosecution. The Committee, which is in contact with the various Defence teams, has facilitated the trial-readiness of several new cases. A Translation Working Group has studied ways to speed up translation of documents and thus avoid delays in the judicial proceedings.

52. Guilty pleas reduce the length of trials. Experience shows that not more than a day is needed for a Chamber to satisfy itself that a guilty plea is informed, unequivocal, and made freely and voluntarily. The writing of the judgement requires limited time. Unlike the situation at the ICTY, very few accused have pleaded guilty at the ICTR.[9] It is difficult at this stage to estimate how many accused at the ICTR may in future plead guilty. At the Plenary Session in May 2003, the Rules were amended, providing a legal basis for plea-agreements.

53. **The Trial Stage:** All Trial Chambers have been conducting trials on a twin-track basis (in some instances also on a "triple-track" basis). This strategy resulted in the production of a considerable number of judgements in 2003. However, twin-tracking of two big cases or more is cumbersome. Experience shows that the best model is to twin-track one big and one small case, and this strategy will be followed in the future, unless the big case is particularly voluminous and complex. When required, the ICTR is using the so-called "shift system", which ensures that one court room is used for two cases heard in morning and afternoon sessions. The shift system operates in a morning shift from 8.45 to about 13.00, and an afternoon shift until about 18.30.

54. Following the ICTR's request of 9 July 2001, the Security Council adopted Resolution 1431 of 8 August 2002, created a pool of eighteen *ad litem* judges. The purpose of this reform, which followed a similar Security Council resolution for the ICTY in 2000, was to increase the judicial capacity of the ICTR. The election of the eighteen *ad litem* judges by the General Assembly took

[9] The following judgements were based on guilty-pleas: *Prosecutor v. Jean Kambanda* (1998); *Prosecutor v. Omar Serushago* (1999); *Prosecutor v. Georges Ruggiu* (2000); *Prosecutor v.Vincent Rutaganira* (2005).

place on 25 June 2003. The first *ad litem* judge took office on 1 September 2003 and three other *ad litem* judges arrived in October 2003. Pursuant to two other requests on 8 September 2003 and 29 September 2003, respectively, the Security Council on 27 October 2003 adopted Resolution 1512, which increased, from four to nine, the number of *ad litem* judges who could take office at any one time. The Security Council also conferred on the *ad litem* judges the competence to adjudicate over pre-trial matters. The fifth judge arrived in March 2004. The arrival of the five *ad litem* judges made it possible to start four new trials and to continue the Butare trial. After the arrival of the remaining four *ad litem* judges in September 2004, it was possible to commence another two trials.[10]

55. With nine *ad litem* judges, the Tribunal is able to set up six Trial Chamber Sections. These six Sections will be able to produce 4,500 hours of trial work over 900 trial days per year. However, it follows from the ICTR Statute that a Trial Chamber Section must be comprised of both permanent and *ad litem* judges. Hence, the full utilisation of *ad litem* judges depends on the availability of permanent judges. At present, several permanent judges are engaged in voluminous trials.[11] This makes it difficult to maintain six Trial Chamber Sections on a permanent basis. However, experience shows the usefulness of twin-tracking one joint trial with a single-accused trial, as well as the Trial Chamber Sections sitting in shifts. Therefore, the number of Trial Chamber Sections is about six, even if they are not all sitting on a permanent basis.[12]

56. As mentioned above, ten trials are currently in progress of which five are voluminous joint trials. It is important to find the right balance between the multi-accused and single-accused trials. Some Trial Chamber Sections sit in morning and afternoon shifts. These sessions are shorter than full trial days, by about two hours. In the November 2004 version of the Completion Strategy, it was mentioned that the construction of a fourth courtroom would allow for more full trial days, thus increasing the progress of the multi-accused trials and courtroom capacity when appeals are heard. Following voluntary contributions by the Norwegian and United Kingdom Governments, a new courtroom was constructed in record time and inaugurated on 1 March 2005. It is in full use and represents a very important element of the Tribunal's Completion Strategy.

57. In spite of all measures taken to accelerate the proceedings, cases may still appear to be time-consuming. It should be remembered that conducting judicial proceedings at the international level is a more complicated task than at the national level. The cases at the *ad hoc* Tribunals are legally and factually very complex. There is a considerable volume of documents normally disclosed during trials of alleged architects of the atrocities, including alleged high-ranking members of the government. These documents must be translated for legal teams and accused, who may require translations of all the documents into the other official language of the Tribunal before they respond to motions or

[10] From September 2003 to the end of April 2004, *ad litem* judges participated in the following four new trials: Ndindabahizi, Government, Karemera *et al.*, and Muhimana. From September 2004, *ad litem* judges also sat in these trials: Seromba, Military II, Rwamakuba, Muvunyi, Mpambara, Zigiranyirazo.

[11] Two permanent judges sit in the Butare trial and three in the Military I trial.

[12] A total of eight Trial Chamber Sections have been hearing evidence in the second half of 2005: Butare, Military I, Government, Military II, Seromba, Muvunyi, Mpambara, and Zigiranyirazo.. This is possible because some judges sit in two trials, either because of twin-tracking or the shift-system.

undertake trial preparation. The number of witnesses is often considerable, and simultaneous interpretation of all testimony is required into three languages. Witnesses have often to be extracted from difficult environments, afforded considerable protection before and after testimony and sometimes re-located. The staff and counsel involved in cases come from different cultures and traditions, and effective communication requires new skills and extra effort. Prosecution and Defence counsel come from all over the world, and have different court-room styles. Defence counsel have to leave their other case-work for considerable periods to spend time working at the ICTR in Arusha, usually away from their practices.

58. **Administrative Matters:** With the shift in emphasis of the ICTR from one centred on investigation and arrests to one centred on trials, the Registry will focus its attention on the end-date for the Tribunal in all aspects of its work. Contracts entered into, item of equipment purchased and personnel recruited will all bear a close relationship to the Completion Strategy.

59. In assessing its needs for human resources with a view to promoting the implementation of its Completion Strategy, the Prosecutor envisages a substantial increase in the number of trial attorneys and an expansion of its Appeals Section. Investigative and administrative support is also needed. This increase will be addressed by redeployment. The Prosecutor expects that at the anticipated conclusion of investigations, some posts presently held by investigators could be re-deployed to increase the number of trial attorneys, legal advisors and other staff required for trial.

60. **Sufficient Resources:** In order to respect the time-frames laid down by Security Council resolutions 1503 and 1534, the ICTR must continue to receive the necessary resources. Last year, the United Nations administration imposed a freeze on the recruitment of new staff at the Tribunal, due to delays in the payment of contributions to the *ad hoc* Tribunals by Member States. This threatened to have significant effect on the Completion Strategy. The lifting of the freeze at the beginning of 2005 improved the situation.

## IX. Conclusions

61. The estimated work-load outlined above makes it possible to draw the following conclusions based on six Trial Chamber Sections.

62. As mentioned above, there are currently twenty-six accused in ten trials (Butare, Military I, the Government Case, Military II, Karemera *et al.*, Seromba, Muvunyi, Rwamakuba, Mpambara and Zigiranyirazo), five of which are lengthy because they are joint trials. These trials are at different stages. An estimate of 837 trial days will be required for their completion (para. 32). Trials of the nine detainees awaiting trial will require about 558 trial days (para. 33). Approximately 868 trial days will be required for the completion of trials in respect of the fourteen persons comprising ten of the fourteen accused who remain at large and four of the recently indicted eight accused (para. 38). Consequently, it is estimated that 2,263 trial days will required to complete all trials (para. 44).

63. In the Completion Strategy of April 2004, it was projected that in 2004, three trials (Gacumbitsi, Ndindabahizi and Muhimana) would be completed. This target was accomplished. It was also stated that three trials involving six accused (Simba, Seromba and Military II) would commence from May to September 2004. This projection was also accomplished.

64. The Completion Strategy of May 2005 indicated that, besides the judgements in the Rutaganira and Muhimana cases which were delivered in March and April 2005 respectively, judgements in the Simba and Seromba cases will be delivered later this year. Judgement in the Simba case will be delivered on 13 December 2005. Unfortunately, difficulties arising from the withdrawal of the Lead Counsel in the Seromba case, has disrupted the trial, and consequently delayed the delivery of judgement. A new Lead Counsel has been appointed and the trial is now in progress. Judgement in this case is now expected in 2006. This document also projected the commencement of two new trials in the second half of 2005. This has been accomplished. Trials in the Mpambara and Zigiranyirazo cases commenced in September and October, respectively.

65. In 2006, trials in the Butare, Military I and Government cases are expected to be completed.[13] With the completion of most multi-accused trials, more permanent judges will become available to sit with *ad litem* judges. It is expected that about six new single-accused cases could commence from 2006.

66. In 2006/7, Karemera *et al.* and the Military II cases are expected to have been completed. About six single-accused trials could commence, including trials of the indictees at large, as well as of those who have been recently indicted. Depending on the progress of these cases, about six single-accused trials could start in 2008.

67. The above projections suggest that, by 2008, the ICTR could complete trials and judgements in the range of sixty-five to seventy persons, depending on the progress of present and future trials. Again, it is emphasized that this is an estimate. It also depends on sufficient resources being made available. The Tribunal is committed to bringing to justice those persons who were most responsible for genocide and violations of international humanitarian law that were committed in Rwanda in 1994. In this process, the ICTR will establish the guilt or innocence of the accused, bring justice to victims of the massive crimes that were committed and establish a record of facts that can aid reconciliation in Rwanda. The Tribunal will also leave a legacy of international jurisprudence that can guide future courts and deter the future commission of these grave crimes.

68. As mentioned above (para. 1), the present document is part of the ICTR's continuing process of refining its Completion Strategy. The Tribunal welcomes contributions to this process.

[13] In the Completion Strategy of November 2004, it was projected that the Military I trial would be completed by 2005. However, counsel for one of the accused was withdrawn from the case, which resulted in a delay in the resumption of trial.

## ANNEX I

### PERSONS CONVICTED OR ACQUITTED : 26 ACCUSED IN 20 JUDGEMENTS

**First Mandate (May 1995-May 1999)**

| Name | Former Title | Initial Appearance | TC | Judgement |
|---|---|---|---|---|
| J.-P. Akayesu | Bourgmestre of Taba | 30 May 1996 | TC1 | 2 September 1998 |
| J. Kambanda | Prime Minister | 1 May 1998 | TC1 | 4 September 1998 (guilty plea) |
| O. Serushago | Businessman, Interahamwe leader | 14 December 1998 | TC1 | 5 February 1999 (guilty plea) |
| C. Kayishema | Prefect of Kibuye | 31 May 1996 | TC2 | 21 May 1999 (joinder) |
| O. Ruzindana | Businessman | 29 October 1996 | | |
| G. Rutaganda | Businessman, 2nd Vice-president of Interahamwe | 30 May 1996 | TC1 | 6 December 1999 |
| A. Musema | Businessman | 18 November 1997 | TC1 | 27 January 2000 |
| **Sum first mandate** | | | **Six judgements (seven accused)** | |

**Second Mandate (May 1999-May 2003)**

| | | | | |
|---|---|---|---|---|
| G. Ruggiu | RTLM Journalist | 24 October 1997 | TC1 | 1 June 2000 (guilty plea) |
| I. Bagilishema | Bourgmestre of Mabanza | 1 April 1999 | TC1 | 7 June 2001 |
| G. Ntakirutimana | Doctor | 2 December 1996 | TC1 | 21 February 2003 (joinder) |
| E. Ntakirutimana | Pastor | 31 March 2000 | | |
| L. Semanza | Bourgmestre of Bicumbi | 16 February 1998 | TC3 | 15 May 2003 |
| E. Niyitegeka | Minister of Information | 15 April 1999 | TC1 | 15 May 2003 |
| J. Kajelijeli | Bourgmestre of Rukingo | 19 April 1999 | TC2 | 1 December 2003 |
| F. Nahimana | RTLM Director | 19 February 1997 | TC1 | "Media Case" (joinder) 3 December 2003 |
| H. Ngeze | Kangura Editor | 19 November 1997 | | |
| J.-B. Barayagwiza | Director, Ministry of Foreign Affairs | 23 February 1998 | | |
| J. Kamuhanda | Minister of Culture and Education | 24 March 2000 | TC2 | 22 January 2004 |
| A. Ntagerura | Minister of Transport | 20 February 1997 | TC3 | "Cyangugu Case" (joinder) 25 February 2004 |
| E. Bagambiki | Prefect of Cyangugu | 19 April 1999 | | |
| S. Imanishimwe | Lieutenant in FAR | 27 November 1997 | | |

| | | | |
|---|---|---|---|
| **Sum second mandate** | | | **Nine judgements (14 accused)** |

| | | | |
|---|---|---|---|
| **Result of first two mandates by February 2004** | | | **Fifteen judgements (21 accused** |

**Positions:** The 21 accused held the following positions in 1994: 1 Prime Minister, 3 Ministers, 2 Prefects, 4 Bourgmestres, 1 Senior Admin., 3 Media, 1 Military, 1 Clergy, 5 Others.

## Third Mandate (May 2003-May 2007)

**COMPLETED TRIALS: FIVE DETAINEES IN FIVE CASES**

| Name | Former Title | Initial Appearance | TC | Judgement |
|---|---|---|---|---|
| S. Gacumbitsi | Bourgmestre of Rurumo | 20 June 2001 | TC3 | 17 June 2004. Started on 28 July 2003. |
| E. Ndindabahizi | Minister of Finance | 19 October 2001 | TC1 | 15 July 2004. Started on 1 September 2003. |
| V. Rutaganira | Councillor of Mubuga | 26 March 2002 | TC3 | 14 March 2005 (guilty plea). |
| M. Muhimana | Councillor of Gishyita | 24 November 1999 | TC3 | 28 April 2005. Started on 29 March 2004. |
| A. Simba | Lieutenant-Colonel in FAR | 18 March 2002 | TC1 | 13 December 2005. Started on 30 August 2004. |

**Positions:** 1 Minister, 1 Bourgmestre, 2 Councillors, 1 Military

## ANNEX 2

### ON-GOING TRIALS: TWENTY-SIX DETAINEES IN TEN CASES

| Name | Former Title | Initial Appearance | TC | Comments |
|---|---|---|---|---|
| P. Nyiramasuhuko | Minister of Family and Women's Affairs | 3 September 1997 | TC2 | "Butare Case" (joinder). Started in second mandate. **Completion in 2006?** |
| A. S. Ntahobali | Interahamwe leader | 17 October 1997 | | |
| S. Nsabimana | Prefect of Butare | 24 October 1997 | | |
| A. Nteziryayo | Prefect of Butare | 17 August 1998 | | |
| J. Kanyabashi | Bourgmestre of Ngoma | 29 November 1996 | | |
| E. Ndayambaje | Bourgmestre of Muganza | 29 November 1996 | | |
| T. Bagosora | Dir. of Cabinet, Ministry of Defence | 20 February 1997 | TC1 | "Military I Case" (joinder). Started in second mandate. Completion in 2006. |
| G. Kabiligi | Brigadier-General in FAR | 17 February 1998 | | |
| A. Ntabakuze | FAR Battalion Commander | 24 October 1997 | | |
| A. Nsengiyumva | Lieutenant-Colonel in FAR | 19 February 1997 | | |
| C. Bizimungu | Minister of Health | 3 September1999 | TC2 | "Government Case" (joinder). Started on 5 November 2003. Completion in 2006. |
| J. Mugenzi | Minister of Commerce | 17 August 1999 | | |
| J. Bicamumpaka | Minister of Foreign Affairs | 17 August 1999 | | |
| P. Mugiraneza | Minister of Civil Service | 17 August 1999 | | |
| E. Karemera | Minister of Interior, V-P of MRND | 7 April 1999 | TC3 | Karemera et al. (joinder) Started on 27 November 2003. Started *de novo* on 19 September 2005. |
| M. Ngirumpatse | D-G of Ministry of Foreign Affairs, President of MRND | 7 April 1999 | | |
| J. Nzirorera | President of National Assembly, S-G of MRND | 7 April 1999 | | |
| A. Rwamakuba | Minister of Education | 7 April 1999 | TC3 | Started on 27 November 2003. Started *de novo* on 9 June 2005. Judgement in 2006. |
| A. Seromba | Priest, Kivumu Commune | 8 February 2002 | TC3 | Started on 20 September 2004. Judgement in 2006. |
| A. Ndindilyimana | Chief of Staff of Gendarmerie | 27 April 2000 | TC2 | "Military II Case" (joinder) Started on 20 September 2004. |
| F-X Nzuwonemeye | FAR Battalion Commander | 25 May 2000 | | |
| I. Sagahutu | 2IC of Reconn. Battalion | 28 November 2000 | | |
| A. Bizimungu | Chief of Staff of FAR | 21 August 2002 | | |

| | | | | |
|---|---|---|---|---|
| T. Muvunyi | Commander, Ecole Sous-officiers | 8 November 2000 | TC3 | Started on 28 February 2004. Judgement in 2006. |
| J. Mpambara | Bourgmestre of Rukara | 8 August 2001 | TC1 | Started on 19 September 2005. Judgement in 2006. |
| P. Zigiranyirazo | Businessman | 10 October 2001 | TC3 | Started on 3 October 2005. |

**Positions:** 7 Ministers, 1 Parliamentarian, 2 Prefects, 1 Senior admin., 3 Bourgmestres, 9 Military, 1 Clergy, 2 Others.

## Annex 3

### Awaiting Trial: Seventeen Detainees

| Name | Former Title | Initial Appearance | TC | Number of OTP witnesses.* |
|---|---|---|---|---|
| S. Nchamihigo | Deputy Prosecutor | 29 June 2001 | TC1 | 15 |
| F. Rukundo | Chaplain | 26 September 2001 | TC3 | 20 |
| F. Karera | Prefect of Kigali Rural | 26 October 2001 | TC3 | 15 |
| P. Bisengimana | Bourgmestre of Gikoro | 18 March 2002 | TC2 | 15 |
| J. Nzabirinda | Youth Organizer | 27 March 2002 | TC2 | 15 |
| S. Bikindi | Musician | 4 April 2002 | TC3 | 30 |
| H. Nsengimana | Rector, Christ-Roi College | 16 April 2002 | TC2 | 15 |
| J.-B. Gatete | Bourgmestre of Murambi | 20 September 2002 | TC1 | 30 |
| T. Renzaho | Prefect of Kigali | 21 November 2002 | TC2 | 30 |
| I. Hategekimana | Lieutenant, Commander of Ngoma Camp, Butare | 28 February 2003 | TC3 | |
| J. Rugambarara | Bourgmestre of Bicumbi | 15 August 2003 | TC2 | |
| Y. Munyakazi | Interahamwe leader | 12 May 2004 | TC1 | |
| G. Kanyarukiga | Businessman | 22 July 2004 | TC1 | |
| E. Setako | Colonel | 22 November 2004 | TC1 | |
| M. Bagaragaza | Director, National Tea Industry | 18 August 2005 | TC3 | |
| J. Serugendo | Technical Director, RTLM | 30 September 2005 | TC1 | |
| C. Kalimanzira | Acting Minister of Interior | 14 November 2005 | | |

**Positions:** 1 Acting Minister, 2 Prefects, 3 Bourgmestres, 1 senior administrator, 1 Lesser admin, 2 Military, 2 Clergy, 1 media, 4 Others.

* The number of OTP witnesses heard during trial is normally lower than pre-trial estimates.

## Annex 4

### Estimates Based on the Prosecutor's (OTP) Figures for Present Detainees (Previous Completion Strategy)

| | Case | No. of Accused | No. of OTP witnesses | No. of hours for OTP case-in-chief | No. of hours for Defence cross-examination | No. of hours for Defence case-in-chief | No. of hours for OTP cross-examination | Total hours |
|---|---|---|---|---|---|---|---|---|
| 1 | Butare | 6 | 68 | 330 | 330 | 330 | 330 | 1320 |
| 2 | Military I | 4 | 100 | 500 | 500 | 500 | 500 | 2000 |
| 3 | Muvunyi and Hategikimana | 2 | 43 | 180 | 180 | 180 | 180 | 720 |
| 4 | Seromba | 1 | 20 | 100 | 100 | 100 | 100 | 400 |
| 5 | Ndindabhizi | 1 | 15 | 50 | 50 | 50 | 50 | 200 |
| 6 | Military II | 4 | 90 | 500 | 500 | 500 | 500 | 2000 |
| 7 | Government I | 4 | 50 | 300 | 300 | 300 | 300 | 1200 |
| 8 | Karemera *et al.* | 4 | 45 | 300 | 300 | 300 | 300 | 1200 |
| 9 | Zigiranyirazo | 1 | 30 | 100 | 100 | 100 | 100 | 400 |
| 10 | Bikindi | 1 | 30 | 100 | 100 | 100 | 100 | 400 |
| 11 | Renzaho | 1 | 30 | 100 | 100 | 100 | 100 | 400 |
| 12 | Gikongoro | 1 | 41 | 170 | 170 | 170 | 170 | 680 |
| 13 | Bisengimana | 1 | 15 | 50 | 50 | 50 | 50 | 200 |
| 14 | Karera | 1 | 15 | 50 | 50 | 50 | 50 | 200 |
| 15 | Mpambara | 1 | 30 | 150 | 150 | 150 | 150 | 600 |
| 16 | Gacumbitsi | 1 | 30 | 120 | 120 | 120 | 120 | 480 |
| 17 | Rukundo | 1 | 20 | 80 | 80 | 80 | 80 | 320 |
| 18 | Nzabirinda | 1 | 15 | 60 | 60 | 60 | 60 | 240 |
| 19 | Nsengimana | 1 | 15 | 60 | 60 | 60 | 60 | 240 |
| 20 | Muhimana | 1 | 15 | 60 | 60 | 60 | 60 | 240 |
| 21 | Rutaganira | 1 | 15 | 60 | 60 | 60 | 60 | 240 |
| 22 | Gatete | 1 | 30 | 120 | 120 | 120 | 120 | 480 |
| 23 | Nchamihigo | 1 | 15 | 60 | 60 | 60 | 60 | 240 |
| 24 | Rugambarara | 1 | 20 | 80 | 80 | 80 | 800 | 340 |
| | | **42** | **794** | **3680** | **3680** | **3680** | **3680** | **14740** |